

## SURPLUS IS POLYHOLDERS'

SO ALEXANDER SAYS, AND CITES ACTUARY TO PROVE IT.

THIS WAS the Elder Hyde's View, Van Cise says—President of the Equitable Life Assurance Society. He is not alone in his opinion. Many Agents Not to Believe Him. That He is About to Resign.

A letter written by President James V. Alexander of the Equitable Life Assurance Society to the Pittsburgh general manager of the society, in which he comes out with the flat declaration that every penny of the \$200,000,000 surplus belongs to the policyholders, was made public last night.

Mr. Alexander's letter includes one from J. G. Van Cise, the Equitable's actuary, in which Mr. Van Cise not only agrees with President Alexander's views but also states that Henry B. Hyde, the father of James Hyde Hyde, regarded the surplus as belonging exclusively to the policyholders.

President Alexander's letter is a reply to the demand made by the general agents at their conference in "this city recently for a definite statement on this subject. It is intended also as an official answer to the contention that has been made in the Lord injunction suit that the mutualization of the company would deprive the stock of certain of its property right, and as a refutation of the assertions made by Mr. Hyde that Mr. Alexander, by furthering the cause of mutualization, has acted disloyally in that he has depreciated the value of the stock of which he was trustee. This letter being the first official declaration on the subject, it is expected that it will figure prominently in the suits for a division of the society's surplus. Here is the letter:

"NEW YORK, May 6, 1905.  
"Edward A. Wood, Esq., Manager of the Equitable Life Assurance Society, Pittsburgh, Pa.

"MY DEAR MR. WOODS: I beg to acknowledge the receipt of your pamphlet containing extracts from official statements by the society as to the mutual plan of its business and the exclusive ownership by the policyholders of its surplus. I also note your request that, as president of the society, I confirm substantially the statements it contains. I recognize that, for the benefit of present and future policyholders of the society, there should be at this time clear and unequivocal expression on this subject and, without reviewing all the society's statements on this subject, I consider that there can be no doubt as to three facts:

"First, that the business of the society has been conducted in accordance with its charter, since the date of its organization, on the mutual plan; second, that the profits of the society have been accumulated for its policyholders; and, third, that the surplus of the society is held for the exclusive benefit of its policyholders.

"I do not recall any serious question having ever arisen on these points until recently, when a claim has been put forward on behalf of the stock which is at variance with the terms of the society's charter, the uniform course of its business and all its official and unofficial statements and representations.

"This is not my own understanding and opinion, but is confirmed by Mr. Van Cise, who, as you know, has been in the service of the society for nearly forty years, most of the time as its actuary. No one connected with the Equitable needs to be told of the great authority and distinction which Mr. Van Cise has won as a life insurance actuary. His official position in the society is one of complete independence, and on every subject pertaining to the society's business which is of a scientific or mathematical character he is regarded as an unimpeachable authority.

"I quote a letter written by Mr. Van Cise to Mr. F. A. McNamee, the society's manager at Albany, N. Y., in response to formal inquiries from the latter on the subject of the surplus. I understand these inquiries were made pursuant to resolutions adopted at a recent meeting of the society's managers and agents. Mr. Van Cise's letter is as follows:

"May 5, 1905.  
"F. A. McNamee, Permanent Secretary, Albany, New York.  
"DEAR SIR: Your communication of the 1st inst., with copy of resolutions and questions enclosed, was duly received and contents carefully noted.

"As an officer of the Equitable Life Assurance Society, I fully agree with you as to the truth of the following statements in regard to the Equitable:

"1. That the business has always been, and must always be, conducted on the mutual plan.  
"2. That the entire surplus belongs to policyholders exclusively.  
"3. That each participating policy will receive its due share of surplus profits in accordance with the terms of each contract, respectively.

"4. That the agents in soliciting business on this basis have acted with candor, honesty and good faith.  
"5. That the policyholders have no ground for apprehension or doubt in the premises.  
"In this connection I would say that while I have been connected with the Equitable, as clerk and officer, for nearly thirty-eight years, I have never, until recently, heard of any questions being raised as to the absolute ownership of the surplus of the society by its policyholders.

"For about thirty years I had the privilege of being associated as one of the subordinate officers with Henry B. Hyde, the founder and first president of the society, and I can assure you that in his declarations, both verbal and in writing, he always stated that the surplus of the Equitable was transacted on the mutual plan and that the stockholders could not receive more than the dividend of \$2.00 per annum on their capital stock, which was provided for by the charter.

"Mr. Hyde asked me to apportion surplus to policyholders, when entitled by their contracts to such apportionment, on the basis of its absolute ownership, and he was very much averse to any reduction of dividends, and I can assure you that I was absolutely necessary in accordance with our experience.

"As actuary, the mutual plan of the society, I have had special charge during more than twenty-five years of the apportionment of surplus to holders of participating dividend contracts at the end of their dividend periods, and in making such apportionment I have always acted upon the assumption that the entire surplus of the society belonged to the policyholders.

"Trusting that you will find this information both complete and satisfactory, I remain, yours very truly,  
"J. G. VAN CISE, Actuary.

"These statements are literally true. They should set at rest doubts and quiet the agitation which should never have arisen and is naturally disturbing to the society's policyholders and agents.

"No greater emphasis can be given to the fact that the Equitable Life Assurance Society is really a mutual life insurance company, in which the interests and rights of the policyholders are recognized as paramount, than the success of the recent effort to confer upon the policyholders the right of electing a majority of the society's directors. The amended charter designed to carry into effect this reform, was adopted by a unanimous vote of the board of directors, and although its operation is temporarily restricted through litigation, I am convinced that the action of the board will be upheld by the courts. Thus the policyholders will exercise a controlling influence in the management of the society. This is as it should be. While my personal view from the beginning has been that it would have been wise and beneficial in every sense to the society to have the entire board of directors elected by the policyholders, it is a source of gratification to me that the mutualization of the society is now a fact.

"It will follow that the personal proprietary regime within the society must succumb to the checks and restraints necessarily involved in the passage of control to the policyholders, and many of the abuses and irregularities which are now in course of elimination cannot thereafter occur. It should be a source of confidence to every

## THE SAME MUNICIPAL TICKET.

McCLELLAN, GROUT AND FORNES ON DEMOCRATIC SLATE.

Odell and Hearst Candidates Have Not Shown Their Heads—Gossip as to Candidates for the Bench—Tammany Expected to Gain at Levee Six Assemblymen.

What will Mayor McClellan do with the bill passed at Albany making the term of the Mayor of New York city four years instead of two? Republicans and Democrats asked yesterday. Under the original Charter the term of the Mayor was four years, but after the administration of Mayor Van Wyck it was amended by the Republican Legislature to two years, and now it is proposed to amend it back to four years.

Mayor McClellan said yesterday that he had given the bill the slightest consideration as yet. Chairman Odell, of the Republican State committee, who is in complete control of the New York Republican county committee, has declared many times within the past few months that he will defeat Mr. McClellan should the Mayor be re-nominated next fall. Mr. Odell's friends say that he has a working arrangement with William R. Hearst, who has just called for Europe, the latter to put up "a labor candidate for Mayor," but it will not be until after Mr. Odell returns from Europe to this country, about June 11, that his friends will begin to talk about his candidate for Mayor, and by that time both Mayor McClellan and Gov. Higgins will have acted on the bill to make the Mayor's term four years.

From the talk heard in the inner circles of the Democratic organization, the fact is clear that the Democratic city ticket is agreed to be McClellan, Grout and Fornes, notwithstanding anything that Mr. Odell's friends may say concerning his individual predilections and despite the efforts of some of Mr. Grout's friends in Brooklyn to attempt to secure for him the nomination for Supreme Court Justice in the Second Judicial district against Judge Burr, whom Gov. Odell appointed to fill the vacancy caused by the election of Edgar M. Cullen to be Chief Judge of the Court of Appeals.

While it has been very generally conceded that the three Supreme Court Justices to be nominated in the First Judicial district of the city are Judge Ingraham and Judge Under the age limit, George L. Ingraham and Henry A. Gildersleeve, Judge Gildersleeve will be re-nominated, all uncertainty regarding Judge Ingraham and also as to the candidate to be named in Judge Van Brunt's place.

It was the opinion yesterday that eventually any wrangles in the way of Judge Ingraham's re-nomination will be smoothed away, but at the present time, and these matters are usually discarded for in advance his re-nomination is by no means assured. Corporation Counsel John J. Delany has been mentioned for the nomination to succeed Judge Van Brunt, but the office of Warley Flatzke are working overtime in their efforts to bring him in the winner.

The Democrats said yesterday concerning the city ticket that they would certainly gain six districts and that as a matter of fact they expected to send a solid delegation to Albany. The districts which the Democrats said they would surely capture are the Eighth, Tenth, Sixteenth, Nineteenth, Twentieth and Twenty-first, represented by Republicans as follows: Freidel, elected in the Eighth last fall, a Presidential year, by 181 plurality; Ezel in the Tenth by 187 plurality; the Twelfth by 187 plurality; Stanley in the Nineteenth by 591 plurality; Young in the Twentieth by 246 plurality; and the late Frederic E. Prentice, who was elected in the Twenty-ninth by 450 plurality.

HALPIN DODS PRENTICE.  
Pretext is that Prentice voted for the Stock Transfer Tax.

William Halpin, president of the New York Republican county committee, by decree of Chairman Odell of the Republican State committee, has begun efforts to defeat Ezra P. Prentice's re-nomination to the Assembly for the Twenty-fifth district, Mr. Halpin alleging, among other things, that Mr. Prentice voted for the Stock Transfer Tax bill which Gov. Higgins has signed. All told, there are, it was estimated, 250 stock brokers in the Twenty-fifth Assembly district, many of the downtown stock brokers having branch offices in the Fifth Avenue Hotel, the Hoffman House, the Waldorf-Astoria, the Victoria and, in fact, all of the hotels in the Tenderloin. It is computed that these 250 brokers have at least a following of five, and Mr. Prentice was elected by 1,176 plurality. It matters not, it was stated, that both Mr. Odell and Mr. Halpin urged Mr. Prentice to vote for the bill that Representative Herbert E. Parsons, Republican leader of the Twenty-fifth, is the son-in-law of Henry Clegg. "Politicians use the weapons most handy," one of the election district captains of the Twenty-fifth district said, "and we know that Prentice is doomed to defeat. So we've got to get another man."

ROBBED JAP STUDENT'S ROOM.  
Clothes and Keepsakes Carried Off While He Was Away at Columbia.

P. Lin, a Japanese student who is taking a course in pedagogy at Columbia University, has been robbed of \$40 and all his personal belongings, which were stolen from his room on the top floor of a fat house at 262 West 126th street on last Tuesday afternoon.

Lin came here last October. While he was attending class on Tuesday the thieves did their work. They got four suits of clothes, a new overcoat, all his linen, some keepsakes from his home in Japan, and a silver watch that was given to him in China.

Cou's Calendars This Day.  
Appellate Division—Supreme Court—Adjudged until Tuesday, May 10, 1905, at 1 P. M.

Supreme Court—Second Department—Part I.—Motion calendar called at 10:30 A. M. Part II.—Motion calendar called at 10:30 A. M. Part III.—Motion calendar called at 10:30 A. M. Part IV.—Motion calendar called at 10:30 A. M. Part V.—Motion calendar called at 10:30 A. M. Part VI.—Motion calendar called at 10:30 A. M. Part VII.—Motion calendar called at 10:30 A. M. Part VIII.—Motion calendar called at 10:30 A. M. Part IX.—Motion calendar called at 10:30 A. M. Part X.—Motion calendar called at 10:30 A. M. Part XI.—Motion calendar called at 10:30 A. M. Part XII.—Motion calendar called at 10:30 A. M. Part XIII.—Motion calendar called at 10:30 A. M. Part XIV.—Motion calendar called at 10:30 A. M. Part XV.—Motion calendar called at 10:30 A. M. Part XVI.—Motion calendar called at 10:30 A. M. Part XVII.—Motion calendar called at 10:30 A. M. Part XVIII.—Motion calendar called at 10:30 A. M. Part XIX.—Motion calendar called at 10:30 A. M. Part XX.—Motion calendar called at 10:30 A. M. 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